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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 JOHN JAMES JOSE,

20 Defendants.

CASE NO. 1:24-CR-00046-NODJ-BAM

JOINT STATUS REPORT AND STIPULATION
REGARDING EXCLUDABLE TIME PERIODS
UNDER SPEEDY TRIAL ACT; ORDER

DATE: April 24, 2024

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

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17 **STIPULATION**

18 1. This case set for status conference on April 24, 2024. As set forth below, the parties now
19 move, by stipulation, to continue the status conference to June 26, 2024, and to exclude the time period
20 between April 24, 2024 and June 26, 2024 under the Speedy Trial Act.

21 **STIPULATION**

22 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
23 through defendant's counsel of record, hereby stipulate as follows:

24 2. By previous order, this matter was set for status conference on April 24, 2024. By this
25 stipulation, defendants now move to continue the status conference until June 26, 2024, and to exclude
26 time between April 24, 2024, and June 26, 2024, under Local Code T4.

27 3. The parties agree and stipulate, and request that the Court find the following:

28 a) The government has represented that the discovery associated with this case

1 includes numerous investigative reports, witness interviews, and audio/video evidence. All of
2 this discovery has been either produced directly to counsel and/or made available for inspection
3 and copying.

4 b) Counsel for defendants desire additional time to consult with his/her client,
5 review the charges, conduct investigation and research, review discovery and discuss potential
6 resolution of the case.

7 c) Counsel for defendant believes that failure to grant the above-requested
8 continuance would deny him/her the reasonable time necessary for effective preparation, taking
9 into account the exercise of due diligence.

10 d) The government does not object to the continuance.

11 e) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of April 24, 2024 to June 26, 2024,
16 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
17 because it results from a continuance granted by the Court at defendant's request on the basis of
18 the Court's finding that the ends of justice served by taking such action outweigh the best interest
19 of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 18, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ JEFFREY A. SPIVAK
JEFFREY A. SPIVAK
Assistant United States Attorney

Dated: April 18, 2024

/s/ Richard Beshwate
Richard Beshwate
Counsel for Defendant
John James JOSE

ORDER

IT IS SO ORDERED that the status conference is continued from April 24, 2024, to **June 26, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: April 19, 2024

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE